

FINAL STATEMENT OF REASONS
MINIMUM STANDARDS FOR LOCAL DETENTION FACILITIES
Title 15-Crime Prevention and Corrections
Division 1, Chapter 1, Subchapter 4

UPDATE OF INITIAL STATEMENT OF REASONS

Article 1. General Instructions

1006. Definitions. The new definition “exercise” is proposed to provide greater clarity to its use in Title 15 regulations, and would include “physical exertion of the large muscle group.” Current regulations use the terms exercise and recreation and absent a definition for exercise, the terms could be interpreted as being synonymous.

The new definition “security glazing” is proposed to require that glass/polycarbonate composite glazing material specifically designed for use in detention facilities is used in facility design and construction. This definition was developed by the 2003 Juvenile Regulations Revision Physical Plant Workgroup, and had not been defined in the Adult Regulations.

Revisions for “health authority” are proposed to take into account that the authority could be a governmental agency under contract, and further references the relationship with the mental health director. The proposed change should add clarity to the term “health authority” and reinforce the intent that the mental and medical health personnel collaborate in treating inmates.

Revisions for “inmate worker” are proposed to more accurately apply to inmate workers in Article 8, Minors in Jails and Article 9, Minors in Temporary Holding in a Law Enforcement Facility, where the intent is that contact with juveniles is controlled, regardless of the length of time an adult prisoner is out of their cell on a work assignment. The current definition limits that status to workers who are out of their housing area on work assignments for at least four hours.

Revisions for “jail” are proposed to reference Article 8, Minors in Jails, and more accurately reflect the intent to apply the definition to minors held in Type II or III facilities.

In the definition for “lockup”, the word “used” was inadvertently omitted and has been added for clarity.

For clarity, the proposed revision to the term “rated capacity” cross-references both Title 15 and Title 24.

Other minor grammatical changes are proposed to enhance the readability and clarity of the regulation.

Article 2. Inspection and Application of Standards

1010. Applicability of Standards. Proposed changes to this regulation are driven by changes made in other regulations. Proposed changes would re-number many subsections due to the addition and deletion of regulations.

Section 1018, Appeal would be added to subsection (b) and (d), while the former Section 1018, Appeal for Adult Facilities Holding Minors would be deleted from subsections (c) and (f). These changes ensure that the appeal process would apply to all facilities, not just those holding minors.

Section 1046, Death in Custody would be added to subsection (b) and (d), while the former Section 1046, Death of a Minor in an Adult Detention Facility has been replaced with “Death in Custody” in subsections (c) and (f). These changes ensure that the same requirements following a death in custody apply to all facilities. Additionally, the former Section 1218, Inmate Deaths is deleted from subsections (b) and (d); the proposed changes to Section 1046 incorporate the requirements of this regulation.

The title “Program Statement” in Title 24, Section 13-102 (c) 3 has been changed to “Operational Program Statement” in subsections (b) and (d) to reflect changes recommended to the regulation.

Section 1243’s title “Food Manager” has been changed to “Food Service Plan” in subsections (b) and (d) to reflect changes recommended to the regulation.

Section 1246’s title “Food Serving” has been changed to “Food Serving and Supervision” in subsections (b) and (d) to reflect changes recommended to the regulation.

Minor editorial changes are proposed to references to Title 24, Section 470 in subsections (b) and (d) to reflect changes recommended to the regulation; these sections had been improperly cited in previous revisions.

1018. Appeal for Adult Facilities Holding Minors. Current regulations allow local jurisdictions to appeal the Board of Corrections’ application and enforcement of standards and regulations related to holding juveniles in adult facilities. The proposed revisions would extend the appeal process to regulations pertaining to holding adults, as well as juveniles, and would re-title the section, “Appeal.”

Article 3. Training, Personnel, and Management

1020. Corrections Officer Core Course. Current regulations require that custodial personnel participate in Core training. Proposed changes clarify the intent of the regulation by requiring that participants successfully complete the training.

Current regulations associated with the Standards and Training for Corrections (STC) program require that participants complete the training required by this regulation within one year of employment within the jail. Proposed revisions add the requirement that the training be completed within one year to be consistent with STC. This is also the interpretation currently being used during BOC inspections.

Proposed changes also add reference to Penal Code Section 831.5 to reinforce that, notwithstanding the provisions of this section, agencies have an obligation to adhere to the statute. This addition clarifies that custodial officers must meet training requirements prior to providing primary inmate supervision.

1021. Jail Supervisory Training. Current regulations require that a supervisor complete the Core training required in Section 1020, Corrections Officer Core Course during the first year after the date of their assignment. Proposed revisions would require that supervisors complete the appropriate Core course in Section 1020 prior to assuming their detention supervisory responsibilities to ensure that they have the necessary information to understand jail issues and make required decisions.

Current regulations reference Penal Code Section 6031.6, which requires that private entities select and train their personnel in conformance with the requirements established by the BOC. Penal Code Section 6035 is also referenced and mandates that the BOC promulgate training standards. Proposed revisions would delete references to the Penal Code; statute would continue to apply without being referenced here. Title 15, Section 1016, Contracts for Local Detention Facilities, requires that compliance with regulations, including training and selection, be part of the contract.

1023. Jail Management Supplemental Training. The current title references the Jail Management “Supplemental” Training. The proposed revision deletes “Supplemental” from the title, which is a carryover from an earlier regulation that referenced a course that no longer exists.

Current regulations reference Penal Code Section 6031.6, which requires that private entities select and train their personnel in conformance with the requirements established by the BOC. Penal Code Section 6035 is also referenced and mandates that the BOC promulgate training standards. Proposed revisions would delete references to the Penal Code; statute would continue to apply without being referenced here. Title 15, Section 1016, Contracts for Local Detention Facilities, requires that compliance with regulations, including training and selection, be part of the contract.

Proposed regulations clarify the intent of the regulation by requiring that the new manager complete either the STC (Title 15, Section 182) or POST Management Course within one year from the date of assignment. Current regulations require a new manager to participate in Annual Training within one year of assignment; this language is inconsistent with the STC management requirement.

1025. Continuing Professional Training. The current STC regulation related to annual training (Title 15, Section 184) requires annual training any year that a Core course is not completed. The proposed revisions to Section 1025 make this regulation consistent with the current interpretation and with STC regulations.

Current language requires that all administrators, managers, supervisors and custodial personnel of a Type I, II, III or IV facility “participate” in the STC annual required training (Title 15, Section 184). Proposed revisions clarify the intent of the regulation by requiring that participants “successfully complete” the annual training.

1028. Fire and Life Safety Staff. Proposed revisions retain the Board of Corrections’ responsibility to develop general fire and life safety standards and the requirement that at least one person be on duty who is trained in those standards, but would further require that the

facility manager ensure that at least one person is on duty who has been trained in procedures specific to that facility, as well as general fire and life safety standards.

1029. Policy and Procedures Manual. Modified revisions would update the references in subsections (b) and (c). When the regulation was renumbered due to revisions in the previous regulation revision period, the references in (b) and (c) were not updated to reflect the correct reference. The current reference in (b) and (c) should be to subsection (a) (5).

Article 4. Records and Public Information

1045. Public Information Plan. Current regulations require that certain materials be made available in printed format. Proposed revisions delete the requirement that materials be “printed” to acknowledge that materials may be made be provided by other means, such as digitally or via the Internet.

Current regulations require facilities to make Title 24 available to the public. Proposed revisions eliminate the requirement that Title 24 be made available, due to the fact that several versions of Title 24 may be applicable to the facility. Current versions of Title 24 may not apply to the facility and may cause confusion among those requesting the material. Further, Title 24 is available to the public on the Internet.

1046. Death of a Minor in an Adult Detention Facility. Title 15, Section 1218, Death in Custody, currently addresses the requirement that a medical review be conducted on all adult inmates who die in custody. Section 1046, which currently pertains only to minors who are held in adult facilities, requires a medical and an operational review and specifies who must be on the review team.

Proposed revisions to Section 1046 would apply the death in custody review to both adults and juveniles who die in custody. In practice, both medical and custody reviews occur, but incorporating language to require a shared review that utilizes a collaborative review team provides greater assurance that information is shared among custody and medical staff. This section would be re-titled “Death in Custody,” and Title 15, Section 1218 would be deleted with implementation of the revised Section 1046.

Article 5. Classification and Segregation

1051. Communicable Diseases. Current regulations are silent on the requirement for policies and procedures for segregation of inmates with suspected communicable diseases. Proposed revisions clarify that written policies and procedures must be developed.

Current regulations also require that the initial intake screening inquire about hepatitis. Proposed revisions delete this requirement because unlike airborne diseases, hepatitis is not readily transmissible.

1052. Mentally Disordered Inmates. Current language requires policies and procedures for the identification and evaluation of all mentally disordered inmates, with segregation if necessary to protect the safety of the inmate or others. Proposed revisions maintain the original intent of the regulation by clarifying the requirement for segregation of mentally disordered inmates *only if it is necessary*; not all mentally disordered inmates will require segregation.

Current language requires a physician's opinion within 24 hours of identification, or at the next daily sick call, whichever is earliest. Proposed revisions would clarify that this opinion should be an *evaluation*, and require that medical or mental health staff, not necessarily a physician, make the evaluation. Local policies and procedures would determine who makes the evaluation and the level of review and follow-up that would be required.

Article 6. Inmate Programs and Services

1065. Exercise and Recreation. Current regulations require a minimum of three hours of exercise and recreation over each seven-day period. With the addition of the definition of exercise to Section 1006, meaning the physical exertion of large muscle groups, the proposed revision to Section 1065 clarifies that the intent is for a minimum of three hours of "exercise" during each seven-day timeframe. This is consistent with current interpretation and distinguishes this time from the more passive dayroom pursuits of playing cards, watching television, etc.

Article 7. Discipline

1083. Limitations on Disciplinary Actions. Title 15, Section 1247, Disciplinary Isolation Diet currently includes both administrative and nutritional requirements for the disciplinary isolation diet. Proposed revisions would delete the administrative components from Section 1247, and move them to Section 1083, where they are more appropriate.

Current language in Section 1083 could be interpreted to allow an inmate to be placed on the disciplinary isolation diet without the manager's approval, remain on it for three days, receive a regular meal for one day and then be returned to the disciplinary diet. Proposed revisions would require notification of health care staff and the facility manager's initial approval for placement on the diet. Additionally, the manager would be required to consult with health care staff prior to approving continuation on the diet every 72 hours after initial placement.

Minor grammatical changes are also proposed to enhance readability.

Article 9. Minors in Temporary Custody in a Law Enforcement Facility

1144. Contact Between Minors and Adult Prisoners. This regulation outlines circumstances when a minor and an adult can be in the same area of a law enforcement facility. The phrase "and an adult prisoner" was inadvertently omitted from subsection (b) during the last revision. Proposed revisions clarify the original intent by adding this phrase.

Prior to the last revision, this regulation correctly indicated that minors and adult prisoners could be in the same area during "medical screening" in subsection (b) (2). At the 2003 revision, this language was erroneously replaced with "awaiting visiting and sick call," situations that are not applicable to minors held in a law enforcement facility. Proposed revisions delete this language, replacing it with the more appropriate term "medical screening" and return the regulation to its original intent.

Article 11. Medical/Mental Health Services

1206. Health Care Procedures Manual. Proposed changes replace the term “therapeutic” with “medical” in Subsection (l) to reflect that medical staff has prescribed the diet. The proposed change does not change the intent of the regulation, but takes into account that the term “medical” is more accurate and is a more frequently used term.

1209. Mental Health Services and Transfer to Treatment Facility. The original proposed amendment adds language to subsection (b) that requires an evaluation of an inmate who appears mentally disordered. This change would have clarified that an evaluation will most likely occur at the jail prior to, or regardless of whether, an inmate is transferred to a designated treatment facility for further evaluation.

A comment received during the 45-day public comment period suggested that initially giving the facilities the option to either evaluate or transfer the mentally disordered inmate might cause facilities to only evaluate such inmates and opt to try to maintain an acutely ill inmate in the facility. The modified revision eliminates the initial option of evaluating or transferring the inmate, and gives facilities the option to allow licensed health personnel to evaluate the inmate prior to transfer to ascertain whether the inmate could be appropriately cared for in the facility, or if the inmate does, indeed, meet the criteria for transfer to an inpatient facility. The modified revisions reflect the changes recommended by this comment.

1218. Inmate Deaths. This regulation currently addresses the requirement that a medical review be conducted on all adult inmates who die in custody. Title 15, Section 1046, Death of a Minor in an Adult Detention Facility, which currently pertains only to minors who are held in adult facilities, requires a medical and an operational review and specifies who must be on a review team.

Proposed revisions to Section 1046 would apply the death in custody review portion of the regulation to both adults and juveniles who die in custody. In practice, both reviews occur, but incorporating them into regulation in this manner provides greater assurance that information is shared between custody and medical staff. Section 1218 would be deleted with implementation of the revised Section 1046.

Article 12. Food

1240. Frequency of Serving. Proposed changes include rewording the regulation for greater clarity; the intent of the regulation is not affected.

Additional revisions would replace the term “therapeutic” with “medical” to reflect that medical staff has prescribed the diet. The term “medical” is more accurate and more frequently used.

1241. Minimum Diet. Proposed changes include updating the references to minimum diet standards to comply with recently published food guide references. Incorporated into the updated references was the addition of a third dairy serving, which will also be incorporated into subsection (b).

Proposed changes to this regulation also include deleting all of the specific references to examples of foods that can be used to meet daily intake allowances. The regulation will continue

to require that minimum diets contain specific dietary components, yet will no longer cite specific examples. Since these specific examples are continually subject to change, retaining them in regulation increases the potential that they will be outdated prior to regulation revisions. Specific examples will continue to be cited by the BOC in guidelines, which may be updated without affecting the regulation.

Recommended language was added that requires that religious diets, when used, conform to the requirements of this regulation. Vegetarian diets are currently required to conform; this change provides consistency to this regulation by requiring that both religious diets and vegetarian diets conform to the requirements in Section 1241.

Other portions of the regulation have been reworded or restructured to provide greater clarity.

1242. Menus. Recommended changes to this regulation would make its requirements applicable when kitchen facilities are located off-site. Current language in the regulation requires menus to be planned a month in advance only where kitchens are part of the detention facility.

Proposed changes also included deleting the term “cycle,” as it is deemed unnecessary.

1243. Food Manager. The proposed revisions change the focus of this regulation from the food manager to a food service plan and would re-title the section “Food Services Plan.” This change places more focus on the components of a food service plan.

Proposed changes also include deleting the references to facility types, clarifying that all facilities must have a food service plan, and identify who is responsible for developing a written food service plan based on the average daily population.

Recommended revisions also include revising the components of the food service plan to more clearly identify and incorporate the items required in a basic food service plan and require that the food service plan comply with the California Uniform Retail Food Facilities Law (CURFFL).

1245. Kitchen Facilities, Sanitation, and Food Storage. Proposed revisions include changing the cite in subsection (b) (1) to reflect the current code number. Additionally, the titles for all references are recommended for deletion in subsections (b) (1, 4 & 5) because they are extraneous.

Recommended changes also include adding language to subsections (b) 2 & 3 that qualifies their exceptions in the Health and Safety Code.

1246. Food Serving. Proposed revisions would change the title to “Food Serving and Supervision” and would require the facility to develop policies and procedures to ensure that appropriate work assignments are made, that food handlers are adequately supervised, and that food is prepared and served under the immediate supervision of a staff member. The intent of the regulation is not modified.

1247. Disciplinary Isolation Diet. Proposed revisions included replacing the term “therapeutic” with “medical” to reflect that medical staff has prescribed the diet. The term “medical” is more accurate and is more frequently used.

Recommended changes also include moving the 72-hour limitation on the disciplinary diet to Section 1083 where it would be more appropriately addressed. Section 1083 describes limitations on discipline; restriction on the use of this diet is a custody issue and would be appropriately located there.

Finally, it is recommended that the quantity of raw carrots in the disciplinary diet loaf be reduced from 4 1/2 oz. to 3 oz. to avoid exceeding the Upper Intake Level of Vitamin A as outlined in the Dietary Reference Intakes.

1248. Therapeutic Diets. To provide greater clarity, it is recommended that the title of this regulation be changed to “Medical” Diets. A new first sentence would be added to specifically state that policies and procedures are required that will identify the individual(s) who are authorized to prescribe a medical diet.

The term “therapeutic” has been replaced with “medical” to reflect that medical staff has prescribed the diet. The term “medical” is more accurate and is more frequently used. A spelling error has been corrected in the first paragraph. Proposed revisions do not affect the intent of the regulation.

Article 13. Inmate Clothing and Personal Hygiene

1262. Clothing Exchange. Proposed revisions delete the word “clean” from the first sentence since it is redundant. This change does not affect the intent of the regulation.

1265. Issue of Personal Care Items. Proposed revisions replace the term “Chapter” with “Division” to reflect the appropriate regulatory cite in the last sentence. This change will not affect the intent of the regulation.

1267. Hair Care Services. Proposed revisions would allow facility administrators to suspend hair care services for inmates who are considered to be a danger to themselves or others and would clarify that hair care equipment must be disinfected after each use.

In addition, the term “Chapter” is replaced with “Division” to reflect the appropriate regulatory cite in subsection (c).

Article 14. Bedding and Linens

1270. Standard Bedding and Linen Issue. The proposed revisions would delete the terms “freshly laundered or dry cleaned” from subsection (d) because they are unnecessary. The proposed changes do not affect the intent of the regulation.

1271. Bedding and Linen Exchange. Proposed revisions would delete the word “freshly” from the first sentence because it is unnecessary. This change does not affect the intent of the regulation.